

RECEIVED
CENTRAL FAX CENTER

DEC 05 2006

Patent Application

Attorney Docket No.: 56130.000044

Client Reference No.: 12873ROUS01U

REMARKS

The Office Action dated September 5, 2006, has been received and carefully considered. Reconsideration of the outstanding rejections in the present application is respectfully requested based on the following amendments and remarks.

I. THE PATENTABILITY REJECTION OF CLAIMS 1-65 AND 67-68

On pages 2 and 3 of the Office Action, claims 1-65 and 67-68 were objected to under 35 USC §101 as allegedly being directed to non-statutory subject matter.

A. Claims 37, 50, 54-57, 61, 63, 65 and 67-68

Regarding claims 37, 50, 54-57, 61, 63, 65 and 67-68, the Examiner alleges that the "means for" claims 37, 50, 54, 61, 63 and 65 and the "computer readable medium" claims 55-57 and 67-68 are not tangible as the claims are not limited to tangible products or mediums. In particular, the Examiner alleges that "[a] signal has no physical structure and does not itself perform any useful, concrete and tangible result."

Regarding claims 37, 50, 54, 61, 63 and 65, Applicant respectfully submits that various "means for" recitations have proper support in the specification. For example, claim 37 recites "means for receiving and concentrating events from a

Patent Application
Attorney Docket No.: 56130.000044
Client Reference No.: 12873ROUS01U

managed object associated with the component." The specification, for example, provides:

The invention is related in one regard to the use of a computer system for managing a component-based system, using computer, network and other resources. According to one embodiment of the invention, the management of the component-based system is provided via the computer system in response to the processor executing one or more sequences of one or more instructions contained in main memory.

Such instructions may be read into main memory from another computer-readable medium, such as the storage device. Execution of the sequences of instructions contained in main memory causes the processor to perform the process steps described herein. One or more processors in a multi-processing arrangement may also be employed to execute the sequences of instructions contained in main memory. In alternative embodiments, hard wired circuitry may be used in place of or in combination with software instructions to implement the invention. Thus, embodiments of the invention are not limited to specific combination of hardware circuitry and software.

See Page 3, lines 6-18.

Applicant respectfully submits that the above excerpt makes clear that one embodiment of the claimed systems and methods is implemented on a tangible "combination of hardware circuitry and software," such as, for example, "one or more processors in a multi-processing arrangement . . . employed to execute the sequences of instructions contained in main memory." Applicant respectfully submits that such an embodiment provides "tangible" proper support for the various "means for" recitations of the

Patent Application
Attorney Docket No.: 56130.000044
Client Reference No.: 12873ROUS01U

pending claims. Applicant further respectfully submits that the respective functions of the claimed "means for" recitations are similarly disclosed throughout the specification. Accordingly, Applicant respectfully submits that the various "means for" recitations of claims 37, 50, 54, 61, 63 and 65 are proper.

Regarding claims 55-57 and 67-68, the Examiner asserts that "a signal has no physical structure and does not itself produce any useful, concrete and tangible result." Applicant respectfully disagrees. However, in an effort to properly address the Examiner's assertion, Applicant respectfully submits that there is no signal limitation on patentable subject matter as long as the claimed invention as a whole accomplishes a practical application. That is, it must produce a "useful, concrete and tangible result." State Street Bank & Trust Co. v. Signature Financial Group Inc., 149 F.3d 1368, 1373, 47 USPQ2d 1596, 1601-02. Claims 55-57 and 67-68 are all clearly directed to practical applications that produce a useful, concrete and tangible result.

In response to the Examiner's comments on pages 25 and 26 of the Office Action, Applicant respectfully submits that a transmission media (e.g., a signal) is an appropriate medium as recited in the claim and in the specification.

B. Claims 1-27, 37, 50, 54, 58-59, 61 and 65

Patent Application
Attorney Docket No.: 56130.000044
Client Reference No.: 12873ROUS01U

Regarding claims 1-27, 37, 50, 54, 58-59, 61 and 65, the Examiner alleges that the system/apparatus claims are not tangible as the claims do not appear to require any hardware and could simply be implemented in software *per se*, thus the described functionality of the claims has no manner of being physically carried out.

Applicant respectfully submits that in referencing the specification. Nonetheless, the excerpt from the specification provided above in connection with the patentability rejection of claims 37, 50, 54, 61, 63 and 65 clearly demonstrates that the claimed systems and methods may be implemented using a tangible "combination of hardware circuitry and software." Accordingly, Applicant respectfully submits that the systems/apparatus claims are proper.

In response to the Examiner's comments on page 26, Applicant respectfully submits that one of ordinary skill in the art would, upon reading the specification, appreciate that, in some embodiments, the features and functionality described in the specification could be implemented on hardware.

C. Claims 28-36, 38-49, 51-53, 60 and 62-64

Regarding claims 28-36, 38-49, 51-53, 60 and 62-64, the Examiner alleges that the method claims are not tangible as the claims do not appear to require any hardware and could simply be

Patent Application
Attorney Docket No.: 56130.000044
Client Reference No.: 12873ROUS01U

implemented in software *per se*, thus the described functionality of the claims has no manner of being physically carried out.

Applicant respectfully submits that the excerpt from the specification provided above in connection with the patentability rejection of claims 37, 50, 54, 61, 63 and 65 clearly demonstrates that the claimed systems and methods may be implemented using a tangible "combination of hardware circuitry and software." Accordingly, Applicant respectfully submits that the method claims are proper.

In response to the Examiner's comments on page 26, Applicant respectfully submits that one of ordinary skill in the art would, upon reading the specification, appreciate that, in some embodiments, the features and functionality described in the specification could be implemented on hardware.

In view of the foregoing, it is respectfully requested that the aforementioned patentability rejections of claims 1-65 and 67-68 be withdrawn.

II. THE ANTICIPATION REJECTION OF CLAIMS 1-3, 6-11, 13, 19-29, 33-41, 45-51 and 53-68

On page 3 of the Office Action, claims 1-3, 6-11, 13, 19-29, 33-41, 45-51 and 53-68 were rejected under 35 U.S.C. §

Patent Application
Attorney Docket No.: 56130.000044
Client Reference No.: 12873ROUS01U

102(b) as being anticipated by Svedberg et al. (U.S. Patent No. 5,408,218). This rejection is hereby respectfully traversed.

Under 35 U.S.C. § 102, the Patent Office bears the burden of presenting at least a prima facie case of anticipation. In re Sun, 31 USPQ2d 1451, 1453 (Fed. Cir. 1993) (unpublished). Anticipation requires that a prior art reference disclose, either expressly or under the principles of inherency, each and every element of the claimed invention. Id.. "In addition, the prior art reference must be enabling." Akzo N.V. v. U.S. International Trade Commission, 808 F.2d 1471, 1479, 1 USPQ2d 1241, 1245 (Fed. Cir. 1986), cert. denied, 482 U.S. 909 (1987). That is, the prior art reference must sufficiently describe the claimed invention so as to have placed the public in possession of it. In re Donohue, 766 F.2d 531, 533, 226 USPQ 619, 621 (Fed. Cir. 1985).

Although Applicant does not agree with the pending rejection, Applicant has nonetheless amended each of the independent claims to recite a feature and functionality not recited in the cited references. For example, independent claim 1 has been amended to recite "a management core providing a managed object view of each managed object representation and allowing manipulation of management attributes of each managed object representation through at least one predetermined event

Patent Application
Attorney Docket No.: 56130.000044
Client Reference No.: 12873ROUS01U

policy, wherein manipulation of management attributes comprises sending control signals to the managed object representation being managed, and wherein the management core includes a management event concentrator for receiving and concentrating events from the managed object representations associated with the application components." Each of independent claims 21, 28, 37, 38, 50, 51, and 54-57 has also been amended to include a similar feature or functionality.

Applicant respectfully submits that none of the cited references - alone or in combination - teach or suggest the managing or manipulation of a component by sending control signals to a managed object representation of the component being managed. Neither Svedberg nor Dev, alone or in combination, teaches or suggests any feature or functionality that performs such functionality. In particular, neither Svedberg nor Dev teaches or suggest the sending of such control signals by a user, such as a system operator, for example.

Claims 2-20, 22-27, 29-36, 39-49, and 52-53 are dependent upon independent claim 1, 21, 28, or 37. Thus, since independent claims 1, 21, 28 and 37 should be allowable as discussed above, claims 2-20, 22-27, 29-36, 39-49, and 52-53 should also be allowable at least by virtue of their dependency on independent claim 1. Moreover, these claims recite

Patent Application
Attorney Docket No.: 56130.000044
Client Reference No.: 12873ROUS01U

additional features which are not claimed, disclosed, or even suggested by the cited references taken either alone or in combination. For example, claim 22 recites "wherein each managed object representation comprises a managed object interpreter and at least one management component, each management component including one of the management attributes." Applicant respectfully submits that Svedberg does not teach or suggest a managed object representation, much less a managed object representation comprising a managed object interpreter and at least one management component, each management component including one of the management attributes." The excerpt cited by the Examiner as purportedly disclosing this feature does not teach or suggest any feature or functionality comprising a managed object representation, much less a managed object representation comprising a managed object interpreter and at least one management component:

The alarm coordination components of each MO are separated into two parts. A general part comprises components that are common to all MOs. An application part is an object-specific part for that particular MO. The application part of an MO monitors the MO and detects internal faults. Events that affect the status of the MO are reported to the general part using methods for error detection and error clearance.

See Svedberg, Col. 11, lines 35-42.

Patent Application
Attorney Docket No.: 56130.000044
Client Reference No.: 12873ROUS01U

In view of the foregoing, it is respectfully requested that the aforementioned anticipation rejection of claims 1-3, 6-11, 13, 19-29, 33-41, 45-51 and 53-57 be withdrawn.

III. THE OBVIOUSNESS REJECTION OF CLAIMS 4, 5, 12, 14, 15, 16-18, 30-43, 42-44 and 52

On page 18 of the Office Action, claims 4, 5, 15, 16-18, 42-44 and 52 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Svedberg et al. (U.S. Patent No. 5,408,218).

On page 23 of the Office Action, claims 12, 14 and 30-32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Svedberg et al. and Dev et al. (U.S. Patent No. 5,261,044). These rejections are hereby respectfully traversed.

As stated in MPEP § 2143, to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both

Patent Application
Attorney Docket No.: 56130.000044
Client Reference No.: 12873ROUS01U

be found in the prior art, not in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Applicant respectfully submits that the pending obviousness rejection of claims 4, 5, 12, 14, 15, 16-18, 30-43, 42-44 and 52 are overcome by the arguments presented above in connection with claim 1, 21, 28, 37, 38, 50, 51, and 55-57, from which claims 4, 5, 12, 14, 15, 16-18, 30-43, 42-44 and 52 depend.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 4, 5, 12, 14, 15, 16-18, 30-43, 42-44 and 52 be withdrawn.

IV. CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made.

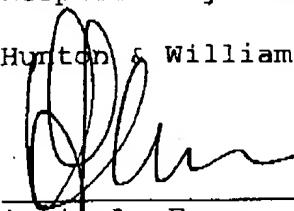
Patent Application
Attorney Docket No.: 56130.000044
Client Reference No.: 12873ROUS01U

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0206, and please credit any excess fees to the same deposit account.

Respectfully submitted,

Hunton & Williams LLP

By:


Ozzie A. Farres
Registration No. 43,606

Hunton & Williams, LLP
1900 K Street, N.W.
Washington, D.C. 20006-1109
Telephone: (202) 955-1500
Facsimile: (202) 778-2201

Date: December 5, 2006